

SUPERIOR COURT OF ARIZONA  
MARICOPA COUNTY

CR2012-006721-001 DT

11/13/2012

HON. SHERRY K. STEPHENS

CLERK OF THE COURT  
C. McCain  
Deputy

STATE OF ARIZONA

YIGael COHEN

v.

DAVID VERN RAUCH (001)  
DOB: 06/12/1972

ROBERT L DOSSEY

APO-SENTENCINGS-CCC  
APPEALS-CCC  
AZ DOC  
DISPOSITION CLERK-CSC  
MCSO-ATTN RECORDS MANAGER  
RFR

SENTENCE - IMPRISONMENT AND PROBATION

10:07 a.m.

Courtroom SCT8C

State's Attorney:	Yigael Cohen
Defendant's Attorney:	Robert Dossey
Defendant:	Present

Court Reporter, Christine Coaley, is present.

A record of the proceeding is also made by audio and/or videotape.

Count(s) 2, 3 and 10: WAIVER OF TRIAL: The Defendant knowingly, intelligently and voluntarily waived all pertinent constitutional and appellate rights and entered a plea of guilty.

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IT IS THE JUDGMENT of the Court Defendant is guilty of the following:

OFFENSE: Count 2 Amended Molestation of a Child  
Class 2 Felony and a dangerous crime against children in the first degree  
A.R.S. § 13-1401, 1410, 705, 3821, 702, 801, 31-281  
Date of Offense: on or between 01/01/2011 and 01/31/2011  
Non Dangerous - Non Repetitive

OFFENSE: Count 3 Amended Attempted Sexual Conduct with a Minor  
Class 3 Felony and a dangerous crime against children in the second degree  
A.R.S. § 13-1401, 1405, 1001, 705, 3821, 702, 801, 31-281  
Date of Offense: on or between 01/01/2011 and 07/17/2011  
Non Dangerous - Non Repetitive

OFFENSE: Count 10 Amended Attempted Molestation of a Child  
Class 3 Felony and a dangerous crime against children in the second degree  
A.R.S. § 13-1401, 1405, 1001, 705, 3821, 702, 801, 31-281  
Date of Offense: on or between 01/01/2011 and 07/17/2011  
Non Dangerous - Non Repetitive

AS PUNISHMENT, IT IS ORDERED Defendant is sentenced to a term of imprisonment and is committed to the Arizona Department of Corrections as follows:

Count 2: 15 year(s) from 11/13/2012  
Presentence Incarceration Credit: 405 day(s)

Less Than Presumptive

Community Supervision: Count 2 - Waived due to length of imprisonment in Counts 3 and 10.

The Court is suspending imposition or execution of sentence and, under the supervision of the Adult Probation Department (APD), placing the defendant on probation for:

Upon release from prison pursuant to A.R.S. §13-603(K). Count 3: For a period of LIFETIME.

IT IS ORDERED that probation in Count 3 shall run concurrent with probation in Count 10.

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Upon release from prison pursuant to A.R.S. §13-603(K). Count 10: For a period of LIFETIME.

IT IS ORDERED that probation in Count 10 shall run concurrent with probation in Count 3.

Conditions of probation include the following:

Condition 5 - If deported or processed through voluntary departure, will not return to the United States without legal authorization during the term of probation, and all conditions remain in effect except for

Condition 6: Report to the APD within 72 hours of sentencing, absolute discharge from prison, release from incarceration, or residential treatment and continue to report as directed. Keep APD advised of progress toward case plan goals and comply with any written directive of the APD to enforce compliance with the conditions of probation. Provide DNA testing if required by law.

Condition 8 - Request and obtain written permission of the APD prior to leaving the State.

Condition 15: Restitution, Fines and Fees:

PROBATION SERVICE FEE: Count 3 - \$65.00 per month.

SEX OFFENDER REGISTRATION FEE: Count 3 - \$500.00. Payable at \$15.00 per month.

PROBATION SURCHARGE: Count 3 - \$20.00. Payable at \$5.00 per month.

Count 3: Time payment fee pursuant to A.R.S. § 12-116 in the amount of \$20.00. Payable at \$5.00 per month.

DCAC SEXUAL ASSAULT ASSESSMENT: Count 3 - \$500.00. Payable at \$25.00 per month.

DNA TESTING: Count 3 - \$65.00. Payable at \$5.00 per month.

Count 3: \$50.00 to the Address Confidentiality Program, payable \$5.00 per month, beginning on a date to be determined.

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Payment to commence on a date to be determined and is due on the same day of each month thereafter until paid in full.

The Court will retain jurisdiction over restitution. No hearing is set at this time. In the event a restitution hearing is set, Defendant waives his/her presence.

The Arizona Department of Corrections shall notify the Clerk of the Court of Maricopa County of Defendant's release from custody via e-mail [cforeponse@mail.maricopa.gov](mailto:cforeponse@mail.maricopa.gov). The Clerk of the Court, upon said notification, shall furnish financial information for a Criminal Restitution Order for Judicial signature for any unpaid monies to date.

Condition 16 - Not consume or possess any substances containing alcohol.

Condition 19: Not have any contact with the victim(s) in any form, unless approved in writing by the APD.

Condition 21 - Abide by the special conditions of probation as noted on the attachment to the Uniform Conditions of Supervised Probation as follows:

Sex Offender

Pursuant to A.R.S. § 13-3821(K), notification is made to the Sheriff of Maricopa County, Arizona.

Condition 21 - Abide by the special conditions of probation as noted on the attachment to the Uniform Conditions of Supervised Probation as follows:

Computer Usage: Ownership and Monitoring

Defendant is advised pursuant to A.R.S. § 13-805 that failure to maintain contact with the Probation Department may result in the issuance of:

1. A criminal restitution order in favor of the state for the unpaid balance, if any, of any fines, costs, incarceration costs, fees, surcharges or assessments imposed.
2. A criminal restitution order in favor of each person entitled to restitution for the unpaid balance of any restitution ordered.

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IT IS ORDERED granting the Motion to Dismiss the following: Counts 1, 4, 5, 6, 7, 8, 9, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25 and 26.

Count(s) 2: IT IS ORDERED authorizing the Maricopa County Sheriff to deliver Defendant to the Arizona Department of Corrections.

IT IS ORDERED the Clerk of the Superior Court remit to the Arizona Department of Corrections a copy of this Order or the Order of Confinement together with all presentence reports, probation violation reports, and medical and psychological reports that are not sealed in this cause relating to the Defendant.

Count(s) 3 and 10: IT IS FURTHER ORDERED Defendant be released from custody for this count only.

IT IS FURTHER ORDERED that Defendant must submit to DNA testing for law enforcement identification purposes and pay the applicable fee for the cost of that testing in accordance with A.R.S. § 13-610.

10:35 a.m. Matter concludes.

This case is eFiling eligible: <http://www.clerkofcourt.maricopa.gov/efiling/default.asp>. Attorneys are encouraged to review Supreme Court Administrative Order 2011-140 to determine their mandatory participation in eFiling through AZTurboCourt.

ISSUED: Order of Confinement - Certified Copy to DOC via MCSO

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Defendant's right index fingerprint is permanently affixed to this sentencing order in open court.

/s/ HON. SHERRY K. STEPHENS  
JUDGE OF THE SUPERIOR COURT

(right index fingerprint)